



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

March 24, 2009
7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met in regular session on March 10, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell, Ibarra and Medina in attendance. Recording by Clerk Bonner. **City Manager Jackson** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

a. **Mayor Franzella** announced the Capuchino High School Students are in Attendance Tonight to Observe the City Council Meeting in Preparation for the 49th Annual Youth in Government Week, Co-Sponsored by the San Bruno Lion's Club and City of San Bruno. He introduced each of the students.

b. **Mayor Franzella** announced the 30th Annual Pancake Breakfast would be held Saturday, April 4th at 9:00 a.m. at San Bruno City Park. The Easter egg hunt is free and the pancake breakfast cost is \$5.00.

c. **Mayor Franzella** announced Operation Clean Sweep would be held Saturday, May 2nd, 2009 at 9:00 a.m at San Bruno City Park

d. **Mayor Franzella** announced the Redevelopment Agency Meeting will follow City Council meeting.

4. **PRESENTATIONS:** None.

5. **REVIEW OF AGENDA:** **Mayor Franzella** moved Item 11. to follow Item 8.

6. **APPROVAL OF MINUTES:** Special City Council Study Session Meeting, which Mayor Franzella did not participate because of possible conflicts, of March 10, 2009 and City Council Meeting of March 10, 2009, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Payroll of March 1 and 15, 2009.

b. **Approve:** Accounts Payable of March 9, 2009.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated February 28, 2009, as submitted by City Treasurer, John Marty.

M/S Medina/Ruane to approve the Consent Calendar and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

Hold Public Hearing and and Adopt Resolution Certifying the Final Environmental Impact Report for the San Bruno 2025 General Plan Update as Being in Compliance with the California Environmental Quality Act; and Adopt Resolution Adopting the San Bruno 2025 General Plan.

City Attorney Thompson explained how a previous meeting determined the conflicts two of the Councilmembers and Mayor had because of interests in property in the redevelopment area. She said there were parts of the general plan where they could not participate. Mayor Franzella opted out of participation in this public hearing and Vice Mayor Ruane did the introduction.

Community Development Director Aknin said the general plan is the single most important document in the City. It guides the decisions in both the private realm as well as public spending for a ten to twenty year period. The last general plan was adopted in 1984. He gave a broad overview of each element of the general plan and asked for questions at the conclusion of each.

Councilmember O'Connell asked if the high-speed rail should be included in the second element? **Aknin** said it could be drafted in the land use chapter to be sure there is no impact to the neighborhood.

Councilmember Ibarra asked if we are committed to developing Crestmoor Canyon in a recreation form? **Aknin** said there are specific policies in this general plan to consider opening recreation trails within the area which would allow recreation people to hike and it would allow the City to more actively take back the brush and clear the fire trails.

Councilmember Medina asked if staff feels the questions asked in the Study Session have been addressed regarding curfew and noise? He asked what this general plan will do for the relationship between the Airport and the citizens who are impacted by the noise in the future? **Aknin** said State law does not allow to place conditions on the airport. He said what this plan could provide is to set the stage for future plans at the Airport.

Councilmember Ibarra said this was why the Airport Roundtable was developed and he asked this could be stressed? **Aknin** said he believed there was a policy stating that.

Vice Mayor Ruane opened the public hearing.

Doris Maez, Fleetwood Dr., said regarding the high-speed rail, it will involve a shoe fly and it will impact the area.

Perry Peterson, Scenic Ct. said the airport is the largest employer of people in the area as well as being the largest source of air, noise, and water pollution, traffic volume and aircraft noise. The airport is part of the City and County of San Francisco, they don't report to the citizens of San Bruno. In other communities like San Jose and Los Angeles there are curfews. He said staff has done a great job on the general plan but because of its orientation, it can't cover all of the issues. He asked thought be given to some mechanism of how to regulate/evaluate how the airport treats its neighbors and what we can do about evening up the relationship.

Brittany Tonga, Pine Street asked how the high-speed rail would affect children and families?

M/S Medina/Ibarra to close the public hearing and passed with all ayes (Mayor Franzella was not present.)

Vice Mayor Ruane said there were two questions on the floor, one regarding the shoe fly and the other regarding children and families with the high-speed rail. **Aknin** said the children were hard to comment on; however, this could be dealt with on the EIR scoping. He said the high-speed rail is being created by a different agency. He said the shoe fly is not related to the high-speed rail, it is related to the grade separation so that will happen whether the high-speed rail goes forward.

Vice Mayor Ruane commented on the good relationship we have had in the past with the San Francisco jail. He said a lot of this is going to be political down the road and it needs to be watched closely.

Councilmember Ibarra said the roundtable has been a major part of strengthening relationships with the airport but also with other communities. He said along with our neighboring communities, we have a major stake of responsibility for our residents to look after them.

Councilmember Medina said he believed this general plan was better than the one presented in the Study Session. He said his bias might come from where he lives and his neighbor's reactions to the noise, which is not the worse point in the City. He said this document needs to go as far as it can to be sure the residents have an opportunity, have a voice and are not forgotten.

Vice Mayor Ruane echoed some of the representatives of our community in congratulating staff for years of work. He said this is our blue print for the City for the upcoming years.

Councilmember Medina thanked the Planning Commission for their efforts and time and complimented staff.

Aknin said the comment on Airport Roundtable was mentioned in the body of the report but was not mentioned in the policy and that could be amended, Policy 39, basically utilize the Airport Roundtable as a venue to discuss shared concern and develop our relationship with the Airport.

Councilmember Ibarra asked high-speed rail be mentioned where appropriate. He said electrification was also something, which should be mentioned.

Councilmember Ibarra offered his congratulations to all those involved and introduced the resolution for adoption for approving the Environmental Impact Report and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution adopting the San Bruno 2025 General Plan with the addition of Item 39 and high-speed rail and passed with a unanimous vote.

11. Receive Report from the Planning Commission.

Bob Marshall, Jr. Planning Commission gave an overview of what the Commission has done over the last year and the plans for the next year.

Councilmember O'Connell thanked the Commission for all the hard work they do. She also complimented them on attacking a green building code.

Mayor Franzella thanked the Commission for all they do.

Alan Lubke, Fleetwood Dr., commented on the absence of a member at the Commission meetings and he asked if there was an absence policy. Mayor Franzella said the Clerk could provide that information.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Ray Mogel, Fleetwood Dr. complimented and acknowledged staff's fast reaction to his requests at a previous Council meeting. He said everything was fixed within days.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving Property Owner Notice and Protest Process for Water and Wastewater Rate Increases for 2009-10 through 2011-12.

Public Services Director Fabry introduced the need for sustainability of water and the infrastructure and introduced Management Analyst Shannon.

Management Analyst Shannon gave an overview of the staff report. He said, per Proposition 218, there will be a 45-day notice sent out to customers. He asked for questions.

Public Services Director Fabry closed stating their goal was to balance with three objectives, the first to try to minimize as much as possible the additional financial burden on the City residents; secondly, to provide Council with a recommendation that would support a long term sustainability of those services and, thirdly, the intent to level the rates and keep as constant as possible.

Councilmember Ibarra said at the beginning of the presentation it was said San Francisco PUC delivers Hetch Hetchy water which we receive half and the other half is through our wells. He said the PUC is raising their rates 60% and are we doing better for having our own well water with a larger proportion going toward capital improvements? How is the rate broken up? **Shannon** said the cost increase by the PUC does drive the rates to a portion, but a lot of that cost will go toward the infrastructure. Councilmember Ibarra said if we didn't have wells, would our rates be higher? **Fabry** said there would have to be an alternative study done to answer the question properly.

Councilmember Medina noted the economic challenges people are facing in this economy. After meeting with staff, he realized there are fifty-five hot spots in this City in need of weekly maintenance. He said the infrastructure has gotten to a point where it needs more work. He hoped with a more aggressive approach on level 3 that some of the overtime could be eliminated for some of these issues that arise. He said he needed to vote for this to ensure those folks down the road would receive the same service as we are receiving today.

Doris Maez, Fleetwood Dr. said she understand how rates were set and one of the flaws she saw in our policy is between November 1 and March 1 whatever water is used it is assumed there is no irrigation going on. In this changing climate, it is not true and she asked the policy be revisited. **Shannon** said when the formal rate study document is set staff will address some of these issues.

Councilmember O'Connell said the 60% increase from Hetch Hetchy is because of the 2.4 million (**should be billion**) dollar seismic retrofit that San Francisco was forced to do. She said when they raise rates it comes out of the pockets of Council as well.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

b. Adopt Resolution Approving Traffic Calming Measures at Fleetwood Drive from Westborough Boulevard to Crestwood Drive.

Public Services Director Fabry introduced Engineer Davis.

Engineer Davis addressed the traffic calming measures at Fleetwood Drive as outlined in the staff report.

Councilmember Ibarra asked about the justification for solar lights at a cost of \$26,000. each? **Davis** said they have been effective at re-enforcing. **Councilmember Ibarra** asked where they were to be placed and **Davis** said they have not made an exact determination.

Councilmember Medina asked for an explanation of minor impact on Crestmoor Dr.? **Davis** said he did not have the data in front of him but he would report back with more specific answers.

Councilmember Medina asked about the white-edged stripes and the difference in opinions of members of the Traffic, Safety & Parking Committee? **Davis** said the current industry standard is providing visual narrowing of the lanes as a very effective calming tool. **Public Services Director Fabry** said this is a broadly accepted, cost effective traffic calming measure. **Mayor Franzella** said living on Crestmoor Dr., the white stripe has really added to the slowing of the traffic.

Mayor Franzella said there continues to be traffic concerns around Monte Verde School and asked if anything has been done at St. Cloud and Oakmont, and if not, it would be cost effective to do it at the same time? **Davis** said that was a great suggestion and it is certainly possible.

Alan Lubke, Fleetwood Dr. asked traffic calming measure be implemented at the drop-off on Fleetwood just after Catalpa Way where a motorcyclist died at 2420 Fleetwood Dr. He asked for a flashing alert sign going both ways.

Yajaira Pasillas, Hennsley Dr., asked why this street was chosen since it isn't the only street with traffic problems and why so much money? **Mayor Franzella** there were four areas chosen with extreme traffic problems and excessive speed and while the City would prefer not to put this much money out, it is what the cost is.

Doris Maez, Fleetwood Dr., praised the staff for the work that has been done. She strongly supported the stripes. She said stop signs are installed but there isn't very good enforcement like the stop signs on Rollingwood and Crestwood.

Ray Mogel, Fleetwood Dr. suggested not installing the \$50,000 signs but rather placement of the bots dots to get the drivers to slow down.

Byron Dong, Fleetwood Dr. said his fence has been knocked down and two cars have been hit on the street. He said in his job with the State of California in the Department of Transportation, he has knowledge and the white lines and 25 MPH painted on the traffic lanes helps. He volunteered his time to paint and put the dots down.

Mayor Franzella said this area should be studied as part of the resolution and possibly done in stages without the electronic lights.

Councilmember O'Connell said she went down Crestmoor Dr. after the lines were installed and the 25 MPH markings on the road narrows ones vision and makes them slow down.

Engineer Davis said they intend to go back and do the stop sign warrant study and are planning to come back to Council to look at options on how to deal with the steep downgrades.

Councilmember Ibarra said people need to realize people are ignoring stop signs and do not pay attention to 25 MPH, everyone is in a hurry. The message needs to get across it is a major safety issue. He said mind the laws. He asked if the Police Department with their limited resources could pinpoint some areas of hot spots.

Sol Wiener, Parkside Dr. said law enforcement should not be blamed because they have other responsibilities. The Traffic, Safety and Parking Committee urges people to come to us. He said the public safety of our town is the Committee's primary responsibility.

Vice Mayor Ruane introduced the resolution for adoption with the caveat that the lined jumps and other issues, including Oakmont and St. Cloud be aggressively studied and passed with a unanimous vote.

Mayor Franzella called for a three-minute recess.

c. Adopt Resolution Approving Property Owner Notice and Protest Process for 2009-10 Garbage Rate Increase Proposed by San Bruno Garbage Company.

Administrative Services Director O'Leary gave an overview of the staff report and pointed out San Bruno, compared with twelve other cities came in number five. He said, per Proposition 218, there will be a 45-day notice sent out to customers. He asked for questions.

Mayor Franzella noted the City of San Mateo was in the City comparisons; however, they do not have weekly single stream recycling, they have it every other week.

Councilmember Medina asked why there were some less and some more in monthly cost? Mario Puccinelli, San Bruno Garbage said there are various factors and different characteristics for all of the different jurisdictions similar to the wastewater report heard earlier. Some City's have a higher commercial volume; some City's have a lot of residential. He said San Bruno compares well with Millbrae, Pacifica, South San Francisco and San Francisco.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

d. Adopt Resolution Authorizing the City Manager to Execute a Street Signal Maintenance and Repair Agreement with the City of South San Francisco and Issue a Written Notice to Terminate the General Services Agreement with Republic ITS.

Public Services Director Fabry gave an overview of the staff report and asked for questions.

Councilmember O'Connell asked who would oversee this? **Fabry** said how the contract is structured they have certain maintenance ongoing obligations. Our street division maintains the quality oversight.

Councilmember Medina served on the sub-committee and said he appreciated staff's honesty in finding a more proactive, better maintenance program. **Streets Field Supervisor Quinn** said he foresaw a decreased amount of supervision as well as decreased costs.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

e. Receive Report on Implementation and Operation of the Fuel Pump Security System.

Management Analyst Shannon gave a report on the fuel pump security system. Mayor Franzella thanked staff for a very thorough update.

f. Appoint Sub-Committee to Establish City Clerk and City Treasurer Salaries.

Mayor Franzella appointed Vice Mayor Ruane and Councilmember Ibarra to serve on the sub-committee.

g. Adopt Resolution Authorizing the City Manager to Execute a Letter of Intent Proposing Terms for Owner Participation Agreement with Stegner San Bruno LLC and Directing Preparation of an Owner Participation Agreement.

City Manager Jackson provided the background of the San Bruno Site and an overview of the development project. **Administrative Services Director O'Leary** went over the terms of the letter of intent and asked for questions.

Councilmember Ibarra asked if in the unlikely event we would need another tenant, we would have no less than three months to find one or what? **City Manager Jackson** said there was a comparison between the ECR commercial project agreement and the proposed owner participation agreement and that this an improvement over the requirements existing currently. The intent of this owner participation agreement and the commercial project agreement itself is for the development of a casual high-quality fine dining restaurant. A significant investment will be made by all involved to assure that level of quality. She said it would be highly unlikely that space would not be used for a restaurant purpose given the construction of the space as this agreement calls for.

Councilmember Ibarra asked what would happen if no one wanted the space if vacated? **Mayor Franzella** said there should be a covenant there always be a restaurant of the same caliber in that spot.

Vice Mayor Ruane said over the last few years he has sat on the subcommittee in search of a good quality restaurant for the site and he felt very confident this would be a good fit.

O'Leary said one way to mitigate the concern was the insertion of the requirement they meet certain high quality tenant improvements.

Councilmember Medina said originally, when they open, nothing exists, and now three months have been added.

Brittany Tonga, Pine Street asked where was the location of the restaurant. **Mayor Franzella** said right across the street from Tanforan and it is a commercial strip with a site for a hotel. Tonga asked the positives and negatives of having this restaurant? Mayor Franzella said one of the major concerns of the citizens of the community we currently don't have a casual fine dining restaurant that has banquet space.

City Manager Jackson said the restaurant is about 5000 square feet and asked Mr. Marcovici to come forward.

Marcovici said 175 seats including the bar and lounge. He said they have a very successful restaurant in Daly City, the Boulevard Café which has been growing by the month. He said they are a family operation and will be serving breakfast, lunch and dinner. He said he wanted a nice family restaurant in San Bruno and that is what they will be bringing.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Planning Commission. (Moved to follow Item 8.)

Mayor Franzella recessed to the San Bruno Redevelopment Agency meeting.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION:

a. Closed session to provide direction to legal counsel regarding whether to initiate litigation. (Cal. Gov't Code 54956.9(c)) with no reportable action.

b. Closed Session to Provide Direction to Legal Counsel Whether to Initiate Litigation. (Cal Govt Code Sec 54956.9(c)) with no reportable action.

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 9:52 p.m. with a moment of silence in memory of the four slain officers killed in Oakland on Saturday. The next regular City Council Meeting will be held on April 14, 2009 at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
April 14, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor